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Native American Programs; Tribal Environmental Protection; Availability of Fiscal Year 1981 Financial Assistance

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement 13612-816]

Native American Programs; Tribal Environmental Protection

AGENCY: Office of Human Development Services, DHHS.

SUBJECT: Announcement of Availability of Fiscal Year 1981 Financial Assistance for a Tribal Environmental Protection Program.

SUMMARY: The Administration for Native Americans announces that applications are being accepted for financial assistance under Section 805 of the Native American Programs Act of 1974, Pub. L. 93-644, as amended. Regulations covering this program are published in the *Code of Federal Regulations* in 45 CFR Part 1336.

DATE: Closing date for receipt of all applications under this program announcement is July 13, 1981.

Program Purpose

The major purpose of the Administration for Native Americans program is to promote the goal of economic and social self-sufficiency for Native Americans. A priority emphasis of the program is to strengthen the executive functions and institutions of tribal governing bodies to support social and economic development of the tribe.

The program and policy initiatives of the Administration for Native Americans are framed around three major objectives aimed at attaining Native American self-sufficiency. These objectives are:

1. *Social Development*—The development of social institutions and Native American leadership in ways that enhance the capacity of Native Americans to influence their social environment and the services to which they are entitled.

2. *Economic Development*—The realization of the full benefit from Native American resources, both potential and actual. Progress in the area of economic development is perceived as critical to addressing the fundamental causes of the acute and chronic social problems found among Native Americans.

3. *Service Improvement*—The elimination of gaps in services as a result of jurisdictional ambiguities, unclear areas of program responsibility, discrimination, and fragmented program efforts, is fundamental to improving the delivery of human services.

The Administration for Native Americans operates on the principle that economic and social development are essentially interrelated concerns in Native American affairs. One means of promoting social and economic self-sufficiency is through the implementation of research and demonstration projects designed to test or develop new approaches or methods that will assist in overcoming special problems or address specific needs of Native American communities.

Program Goals

The Tribal Environmental Protection Program is a joint initiative of the Environmental Protection Agency (EPA) and the Administration for Native Americans (ANA). The goal of the Tribal Environmental Protection Program is to assist tribal governments to establish and maintain the ongoing capability to protect reservation environments. This program supports EPA's mission to work cooperatively with State and local governments by extending to tribal governments assistance which increases their capacity to administer environmental programs and enforce environmental standards. In addition, the Tribal Environmental Protection Program complements and reinforces ANA's priorities to strengthen the executive functions and institutions of tribal governing bodies to support social and economic development of the tribe.

Background

The protection of reservation environments is a vital concern of many tribal governments. Tribes undertaking the development of natural resources on their reservations have expressed the need to establish and enforce standards for environmental protection. In other instances, tribes have expressed concern over activities of non-tribal entities, both on and off the reservation, which have had an adverse impact on the reservation environment.

At the Federal level, the Environmental Protection Agency has lead responsibility for administering the major environmental statutes. Primarily, EPA is a regulatory agency with responsibilities for the establishment and enforcement of Federal environmental standards. In the past, EPA has generally relied on State governments to implement and enforce environmental standards, with little assistance directed toward tribal governments to undertake comparable environmental protection activities. Since State governments usually do not have full legal jurisdiction on reservation lands, this approach has had limited effectiveness in addressing the environmental problems of Indian reservations.

While protection of reservation lands clearly falls within the purview of the Federal trust responsibility, the active role of tribal governments is vital to the success of such efforts. Programs to protect reservation environments must be predicated on a tribal/Federal partnership if programs are to be relevant to tribal concerns and effectively implemented and enforced. The Federal government recognizes tribal governments as legitimate units of government with regulatory authority over environmental concerns on reservation lands. Likewise, tribal governments are increasingly recognizing the advantages of developing and exercising the governmental functions associated with environmental protection.

Program Objectives

The primary objective of the program is to assist tribal governments to develop or enhance their instituional capability to undertake environmental protection projects and enforce environmental standards on reservation lands. Tribal environmental protection projects may address all or part of a wide range of environmental concerns, from the air pollution problems associated with large-scale energy development to problems more typical of rural America, such as the provision of safe drinking water, and adequate sewage and solid waste disposal.

The program is designed to be flexible, so that tribes can establish systems for addressing environmental concerns in a manner that is consistent with tribally-determined priorities and needs. The program will assist tribal governments to exercise their basic authority to undertake environmental protection activities on reservation lands. The strategies to accomplish environmental protection and enforcement will be determined by each tribe. Project activities may include, among other things, establishment and enforcement of standards, monitoring and evaluation, development of inventories, environmental planning, research, and acquiring appropriate expertise and training. Where appropriate, tribes may wish to develop projects to assume delegable EPA programs. Similarly, they may wish to develop cooperative agreements with tribal, State or Federal agencies, or establish consortia as part of their environment protection strategy.

The Tribal Environmental Protection Program is broad in scope, as it is

intended to respond to actual needs of the reservation environment and the tribal government. As a result, the specific strategies and proposed activities may vary significantly among tribal applicants, depending upon the nature of local issues, needs, priorities and unique circumstances in each community. For example, projects may address environmental problems which are reservation-wide, or which occur only on part of a reservation. In addition, projects may address a variety of problems or focus on one specific concern. However, proposals must address environmental concerns which have already been identified, as this program is not intended to fund activities for the primary purpose of identifying environmental problems.

The purpose of this program is to assist tribes to establish environmental protection efforts as an integral part of tribal governments. It is expected that tribal environmental protection efforts initiated under this program will be continued, or the expertise gained in the project will be utilized by the tribe on an ongoing basis. Therefore, during the project period, preparations must be made, and prospective sources of funds identified, for long-term operation and maintenance of tribal environmental protection programs. Such funds must be obtained from sources other than this program. Applicants will be required to submit a plan for long-range (3–5 year) funding beyond the designated project period.

Project Design

The applicant must document the environmental needs and concerns of the community and must clearly identify the problems to be addressed by the Tribal Environmental Protection project.

The applicant must clearly describe the goals and objectives of the project and clearly describe the manner in which the project will improve the capability of the tribal government(s) to respond to environmental issues on an on-going basis. Although the project period will be limited to a maximum of 3 years, with an initial budget period of 15 months, the applicant should present a clear and concise description and justification of the methodology and strategies it intends to follow over a 3–5 year period.

The applicant must include a statement of work for the implementation of each program objective for the 15-month budget period. The statement of work should include specific time frames, and must describe the method for monitoring and evaluating the activities proposed.

The applicant must include a detailed budget with justifications. The applicant should detail the total amount of resources (financial, human, training and technical assistance) required for the accomplishment of the proposed objectives and should indicate any anticipated sources of support which supplement activities conducted under this program announcement.

The applicant must provide information which indicates that the proposed personnel and management resources are adequate and appropriate to accomplish the proposed objectives.

The applicant must submit a preliminary plan for the long-range maintenance and operation of the tribal environmental protection project, or for long-term utilization of the expertise gained under the project. The plan should identify potential sources of funding for continuation of the project or for similar environmental protection efforts. Funding obtained under this program announcement may not be considered long-range funding. It is expected that preliminary plans will be further developed and refined during the course of the project.

The applicant must include a resolution from the Tribal Council indicating its knowledge, involvement and support of this application.

Applicants who wish further clarification or explanation of this announcement should call Ms. Jan Phalen, Administration for Native Americans (202) 245–7730, or Ms. Jeanne Rubin, ANA, (202) 245–7714.

Eligible Applicants

Applicants eligible for this program are governing bodies of Federally-recognized Indian reservations, or consortia of such governing bodies.

Available Funds

This program is jointly funded by ANA and EPA. A total of $250,000 is available in fiscal year 1981 for new projects under this program. It is anticipated that five to seven (5–7) grants will be awarded. The budget period for awards made under this competition will be fifteen (15) months. The project period for each grant may be up to three (3) years. Refunding on a non-competitive basis beyond the first fifteen months will depend upon the grantee's satisfactory progress, the availability of funds, and the grantee's compliance with ANA Regulations (45 CFR 1336).

Grantee Share of the Project

Grantees must provide 20% of the approved cost of the project. Grantee contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services. The contribution must be allowable under the Department's applicable regulations in 45 CFR Part 74, Subparts G and Q.

Under certain circumstances, some or all of the non-Federal share of the project may be waived by ANA. Further explanation is contained in § 1336.52 of ANA's Regulations (45 CFR 1336).

The Application Process

Availability of application forms. In order to be considered for a grant under this program announcement, an application must be submitted on the forms supplied and in the manner prescribed by ANA. An application kit containing the necessary forms as well as supplemental descriptive project information may be obtained from: Ms. Carol Jones, Department of Health and Human Services, Administration for Native Americans, Room 5300, North Building, 330 Independence Avenue, SW., Washington, D.C. 20201, (202) 245–7776, Attention: No. 13612–816.

Application submission. One signed original and six copies of the grant application, including all attachments, must be submitted to the address specified in the application kit. The application must be signed by the principal official of the tribe or by his or her designee.

A–95 Notification Process. Federally-recognized tribes are not subject to the requirements of the Office of Management and Budget Circular No. A–95, revised (procedures at 41 FR 2052, January 13, 1976). However, the Administration for Native Americans encourages applicants to inform the State and Areawide Clearinghouses of their intent to apply for Federal assistance under this program announcement..

Application consideration. The Commissioner determines the final action to be taken with respect to each grant application for this program. Applications which do not conform to this announcement or are not complete will not be accepted for review and applicants will be notified in writing accordingly. Applications which are complete and conform to the requirements of this program announcement are subject to a competitive review and evaluation by qualified persons independent of the Administration for Native Americans. The results of the review assist the Commissioner in the consideration of competing applications. The Commissioner's consideration also takes into account the comments of

ANA and EPA staff, and other interested parties. The Commissioner makes grant awards consistent with the purpose of the Act, the regulations, and the program announcement within the limits of funds available.

After the Commissioner has reached a decision either to disapprove or to fund a competing grant application, unsuccessful applicants are notified of the decision in writing. Successful applicants are notified through the issuance of a Notice of Financial Assistance Awarded which sets forth to the recipient, in writing, the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the amount of recipient participation. It also specifies the total project period for which support is contemplated.

Criteria for Review and Evaluation

Competing grant applications will be reviewed and evaluated against the following criteria:

1. Goals and Objectives

(a) The applicant clearly understands the program goals and objectives described in this program announcement. (5 points)

(b) The project objectives are clearly capable of achieving the program goals and objectives described in this program announcement. (15 points)

2. Problems to be addressed are well defined, and the proposed project effectively addresses the identified environmental needs and concerns of the community. (15 points)

3. The proposed methodologies and strategies, if well executed, are capable of achieving the project objectives. (10 points)

4. The statement of work is comprehensive and adequate for the successful implementation of the proposed activities and includes quantifiable objectives, an appropriate time frame for accomplishment and a plan for monitoring and evaluating the activities proposed. (15 points)

5. The applicant has an adequate plan for long-term operation, maintenance and funding of the project or for long-term utilization of the expertise gained in the project. (10 points)

6. The applicant organization has adequate and appropriate personnel and management resources to accomplish the proposed objectives:

(a) the proposed staff are, or will be, well qualified to carry out the required activities. (10 points)

(b) the applicant has the necessary administrative experience, facilities and resources to carry out the proposed tasks effectively (a brief record of the applicant's experience in conducting related activities should be provided). (10 points)

7. The budget is given in detail with justifications and explanations. Estimated costs are commensurate with the level of effort needed to accomplish the objectives and the cost is reasonable to the government considering the anticipated results. (10 points)

Closing Date for Receipt of Application

The closing date for receipt of all applications under this program announcement is July 13 1981. Applications may be mailed or hand delivered. An application will be considered on time if:

- The application was sent by registered or certified mail not later than July 13, 1981 as evidenced by the U.S. Postal Service;
- The application is received on or before close of business July 13, 1981 in the HDS Grants Receiving Office in Washington, D.C. (address provided in the application kit); or
- The application is hand-delivered to the address on the application kit by close of business July 13, 1981. Hand-delivered applications will be accepted daily from 9 a.m. to 5:30 p.m. except Saturdays, Sundays, and Federal holidays. The official time and date of receipt is that registered by the Department of Health and Human Services.

Applications received after the deadline because they were postmarked or hand-delivered too late or addressed incorrectly will not be accepted and will be returned to the applicant without consideration.

(Catalog Federal Domestic Assistance Program No. 13.612 Native American Programs)

Dated: April 10, 1981.

A. David Lester,

Commissioner, Administration for Native Americans.

Approved: April 23, 1981.

Warren Master,

Acting Assistant Secretary for Human Development Services.

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